



ATTORNEY DOCKET NO.: 047991-5017
Application No. 10/523,801
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REMARKS

Summary of the Office Action

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of *Oda et al.* (US 2003/0063234 A1). Claims 1-3 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement, and under 35 U.S.C. § 112 second paragraph, as allegedly being indefinite. Claim 1 stands objected to because of informalities. Claims 4-22 stand objected to as being in improper multiple dependent form. The disclosure stands objected to because of informalities.

Summary of the Response to the Office Action

Applicants have amended claims 1-6 and 11-22. Accordingly, claims 1-22 are pending for consideration.

In addition, Applicants submit concurrently herewith a Submission of Drawings and an Information Disclosure Statement.

Claim Objections

Claim 1 stands objected to because of informalities, and claims 4-22 stand objected to as being in improper form because a multiple dependent claim can not depend from any other multiple dependent claim. Accordingly, Applicants have amended claims 1, 4-6, 11-20, and 22 to overcome the objections. Further, Applicants have submitted new claims 23-27 to properly claim subject matter that was previously presented in multiple dependent claims 6-10.

The Objections to the Specification and the Rejections Under 35 U.S.C. § 112

The disclosure stands objected to because the definition of full width at half maximum is allegedly not clear. Claims 1-3 stand rejected under 35 U.S.C. § 112, first paragraph, as

allegedly failing to comply with the enablement requirement and under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Applicants respectfully submit that one of ordinary skill in the art would be knowledgeable of the meaning of “full width at half maximum” especially in view of the discussion in the specification at page 7 lines 23-25, as well as Figure 8. Moreover, a discussion of measuring the full width at half maximum is provided beginning at page 31. That is, Applicants respectfully submit that one of ordinary skill in the art would understand that this full width at half maximum refers to a difference between values of the respective angles where the intensities are half of the value of the intensity at the angle having the maximum intensity of the distribution. Thus, Applicants are not presently aware of any conflict or difference between the customary and the present usage of the terminology “full width at half maximum.” Even if there is some difference, Applicants respectfully assert that MPEP § 608.01(o) instructs that “a term used in the claims may be given a special meaning in the description” and that MPEP § 2111.01 instructs that “an applicant is entitled to be his or her own lexicographer.” However, Applicants respectfully submit that the meaning of “full width at half maximum,” at least in the context of the present application, would be fully understandable and clear to one of ordinary skill in the art as explained above.

Further, Applicants respectfully submit that the specific concerns provided in the Office Action are not relevant or problematic to the present invention. First, problems associated with noise, sample granularity or count statistics are experimental measurement problems and do not negate the existence of points having intensity values that are half of the maximum intensity. For example, by making measurements over a longer period of time, greater “photon counts”

will be achieved, thereby removing effects of noise, sample granularity or count statistics.

Second, the Office Action expresses concern for non-Gaussian distributions where a large proportion of the energy may exist in the “tails” of the distribution. Here, Applicants respectfully submit that a “full width at half maximum” is a well defined and understood term not limited to Gaussian distributions. Even if a large portion of energy is associated with “tails” of the distribution, the “full width at half maximum” is still a well defined and understood term. In fact, if Figure 8 of the present application is a Gaussian distribution (to which Applicants do not limit Figure 8), a large portion of the total energy would be associated with values outside the full width at half maximum. Thus, Applicants respectfully submit that one of ordinary skill in the art would have no difficulties in understanding the term “full width at half maximum.”

While Applicants respectfully submit that the language would be understood by one of ordinary skill in the art as explained above, Applicants have nonetheless endeavored to smooth Japanese to English translational issues.

In view of the above, Applicants respectfully request that the objection to the specification and the rejections 35 U.S.C. § 112, first and second paragraphs, should be withdrawn.

The Rejection Under 35 U.S.C. § 103(a)

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable in view of *Oda et al.* (US 2003/0063234 A1). Applicants respectfully traverse the rejections for at least the following reason.

With respect to independent claim 1, as amended or as originally present, Applicants respectfully submit that *Oda et al.* does not teach or suggest a combination wherein a full width

at half maximum of a luminance angular distribution of light incident upon a polarization separation element in a direction parallel to a travel direction of the light in the light guide is 25° or less. At page 5, the Office Action admits that *Oda et al.* does not teach or suggest this feature. Nonetheless, the Office Action asserts that the structures of *Oda et al.* and the instant invention are the same, and that it would have been obvious that these features would be present in *Oda et al.* Applicants respectfully disagree. Specifically, Applicants respectfully assert that there is no evidence that the structure of *Oda et al.* and the instant invention are the same. *Oda et al.* discloses the use of a first light conversion member 15 having a surface in a simple saw tooth shape of a non-specific configuration. Applicants respectfully submit that not all optical elements having a saw tooth shape would provide a luminance angular distribution as claimed. In fact, “Comparative Example #1” provided in the specification of the present application does not have a luminance angular distribution as claimed. Thus, Applicants respectfully assert that there is no evidence that the structures of *Oda et al.* and the instant invention are the same and that there is no teaching or suggestion in *Oda et al.* to have a full width at half maximum of a luminance angular distribution of light incident upon a polarization separation element in a direction parallel to a travel direction of the light in the light guide is 25° or less, as claimed.

For at least the above reasons, Applicants respectfully assert that independent claim 1, as amended or as previously presented, is neither taught nor suggested by the applied prior art reference. As pointed out in MPEP § 2143.03, “[to] establish a prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” Thus, Applicants respectfully assert that the rejection under 35 U.S.C. § 103(a) should be withdrawn

because *Oda et al.* does not teach or suggest each and every limitation of claim 1, and hence dependent claims 2-27.

Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner believe that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. §1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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Dated: November 2, 2006

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